

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Wednesday, August 25, 2010

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotley, Commissioner Christopher Vincent, and Commissioner Scot Sasser were present. Also present were Town Attorney Susan L. Trevarthen, Interim Town Manager Connie Hoffmann, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Mayor Minnet requested a Moment of Silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions or corrections at this time. However, later in the evening Mayor Minnet added Town Manager Applications from the 5:00 p.m. Workshop under Old Business 14a.

5. PRESENTATIONS

6. PUBLIC COMMENTS

Edmund Malkoon thanked Interim Town Manager Hoffmann for her hard work on the budget. Mr. Malkoon requested that the Commission consider purchasing the Demko house. He said it was listed as a historic structure and believed this was a good market to make an offer.

Joyce Murray invited Lauderdale-by-the-Sea residents to support the poor and needy in the area by participating in Saint Gabriel's National Walk, September 25, 2010 from 7:00 a.m. to 10:00 a.m. She explained that more information regarding the fundraiser could be obtained by calling 954-943-9717.

Diane Boutin believed the 5:00 p.m. Workshop was an excellent budget meeting. She requested that the Commission remember that commercial properties pay taxes too when they look at the budget.

7. PUBLIC SAFETY DISCUSSION

a. BSO Police Monthly Report - July 2010 (Chief Oscar Llerena)

Vice Mayor Dodd made a motion to accept the report . Commissioner Vincent seconded the motion. The motion carried 5 - 0.

b. VFD Fire Monthly Report - July 2010 (Chief Steve Paine)

Vice Mayor Dodd questioned the medical calls marked cancelled. He said it appeared that staff was still paid but there was no wear and tear on the vehicles. Chief Paine said that was correct. Vice Mayor Dodd believed a correction was needed regarding the start and end times in the report as they all had the same date on pages 9 thru 14. Chief Paine said he would look into it.

Chief Paine stated that a conference call to Broward County would take place on Monday regarding the run cards which should dramatically reduce medical calls. He added that new software was ordered to change the pagers.

Vice Mayor Dodd made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

c. AMR EMS Monthly Report - July 2010 (Chief Brooke Liddle)

Commissioner Clotey questioned whether EMS was used as a substitute for primary physicians. She explained that some people, that did not have a primary physician, called 911 in order to go to the Emergency Room. EMS Supervisor James Cecil said it occurred occasionally with visitors but not with residents.

Vice Mayor Dodd made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

8. APPROVAL OF MINUTES

Mayor Minnet pulled item 12a and 12f at the request of Vice Mayor Dodd.

Commissioner Vincent made a motion to approve the minutes of 8b, 8c, 8d, 8e, and 8g. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

a. June 23, 2010 Roundtable Meeting Minutes

Vice Mayor Dodd pointed out that the word "morale" was misspelled on page 12.

Vice Mayor Dodd made a motion to approve the minutes of June 23, 2010 Roundtable Meeting Minutes as amended. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

Town Commission Regular Meeting Minutes
August 25, 2010

- b. July 14, 2010 Roundtable Meeting Minutes
- c. July 27, 2010 Special Hearing (Budget) Meeting Minutes
- d. July 27, 2010 Regular Commission Meeting Minutes
- e. July 28, 2010 Special Meeting (Shade Session) Minutes
- f. July 28, 2010 Workshop Meeting Minutes

Vice Mayor Dodd stated that at the bottom of page 2, 2nd to the last line, should read "if the power failed" and not "if the project failed".

Vice Mayor Dodd made a motion to approve the minutes of July 28, 2010 Workshop Meeting Minutes as amended. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- g. July 28, 2010 Roundtable Meeting Minutes

9. CONSENT AGENDA

Mayor Minnet pulled Consent Agenda items 9a and 9d for discussion.

Commissioner Sasser made a motion to approve Consent Agenda items 9b and 9c. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- a. Agreement with Grau & Associates for Annual Audit Services (Finance Director Doug Haag)

Mayor Minnet stated that she pulled this item because she was not in favor of this auditing firm.

Commissioner Clotey made a motion to approve the agreement with Grau & Associates for Annual Audit Services. Vice Mayor Dodd seconded the motion. The motion carried 3 - 1. Mayor Minnet voted no. Commissioner Sasser recused.

- b. Budget amendment for projected unemployment costs for FY 2009-10 - \$16,517 (Finance Director Doug Haag)
- c. Budget amendment for Esther Colon payout - \$74,611 (Finance Director Doug Haag)
- d. Budget amendment for replacement computers and upgrades - \$17,667 (Finance Director Doug Haag)

Mayor Minnet asked whether the funds were currently in the budget and whether the current computers would go to the Community Center. Interim Town Manager Hoffmann confirmed.

Vice Mayor Dodd made a motion to approve. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

- a. Ordinance 2010-11: ABANDONED REAL PROPERTY AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES BY ESTABLISHING ARTICLE 1 FOR EXISTING CODE PROVISIONS RELATED TO JUNKED, WRECKED, STOLEN OR ABANDONED PERSONAL PROPERTY; FURTHER ESTABLISHING ARTICLE II "ABANDONED REAL PROPERTY", TO PROVIDE FOR REGISTRATION, MONITORING AND UPKEEP OF MAINTENANCE OF ABANDONED REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

Attorney Trevarthen read Ordinance 2010-11 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Director Bowman explained that this came before the Commission January 26, 2010 when direction was given to staff. He added that the Planning and Zoning Board approved the Ordinance in July. Director Bowman said that under this Ordinance banks were required to register with the Town when they took possession of a property and to maintain the property.

Commissioner Clotley made a motion to adopt Ordinance 2010-11 on first reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2010-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE II "TOWN COMMISSION" OF THE TOWN CODE OF ORDINANCES, REGARDING SCHEDULING OF COMMISSION MEETINGS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE**

Attorney Trevarthen read Ordinance 2010-13 by title. She explained that the Commission requested to cut meetings back to one (1) Regular meeting and one (1) Roundtable meeting per month when allowable and/or not have a meeting. Attorney Trevarthen stated that this Ordinance allowed that flexibility and no longer required the Commission to meet twice a month.

Mayor Minnet opened the meeting for public comments.

Diane Boutin said she was in support of this Ordinance.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Sasser made a motion to adopt Ordinance 2010-13 on first reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

2. Ordinances 2nd Reading

- a. Ordinance 2010-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE III "DEPARTMENTS," AND ARTICLE IV, "OFFICERS AND EMPLOYEES," OF THE TOWN CODE OF ORDINANCES, IN ORDER TO UPDATE TOWN DEPARTMENTS AND DUTIES; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE Approved 1st reading on July 13, 2010**

Attorney Trevarthen read Ordinance 2010-03 by title. She explained that one version came forward previously and this was the newest version which contained the input of the current administration and current Commission. Attorney Trevarthen stated that the main changes were the removal of obsolete wording at the end of page 2 that was replaced with language that allowed the Town Manager to create departments and carry out the administration of the Town. She added that the current Ordinance also stated that the Town Commission had approval over changes that would affect the budget; page 2, lines 58-60. Attorney Trevarthen stated that language was also included describing the Town Clerk's obligations regarding general assistance on election matters at lines 111-113.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-03 on second reading. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2010-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA AMENDING ARTICLE II, "CONTAINERS AND RECEPTACLES" OF CHAPTER 10 "GARBAGE AND REFUSE" OF THE TOWN CODE OF ORDINANCES, IN ORDER TO SPECIFY SERVICE TO MIXED USE PROPERTIES AND TO REVISE SUSPENSION OF SERVICE; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE Approved 1st reading on July 27, 2010**

Attorney Trevarthen read Ordinance 2010-10 by title.

Interim Assistant Town Manager Bentley suggested 2 amendments; remove the word "single and change the effective date to September 13, 2010 to give the contractor time to implement on page 3, line 7.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-10 on second reading as amended. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

- c. Ordinance 2010-12: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA, CREATING SECTION 6-45 "FIRE HYDRANTS," OF THE CODE OF ORDINANCES TO REGULATE THE PLACEMENT OF LANDSCAPING AND SCREENING TO PROVIDE OPEN ACCESS TO FIRE HYDRANTS, STANDPIPE AND AUTOMATIC SPRINKLER SYSTEM CONNECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Approved 1st reading on July 27, 2010

Attorney Trevarthen read Ordinance 2010-12 by title.

Director Bowman stated that staff recommended approval.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Sasser inquired as to why auto sprinkler systems could not be covered. Attorney Trevarthen stated that if the correct change to the code was in lines 27 thru 44 then there would be no problem. Director Bowman explained that it referred to the sprinkler heads that were above ground and not below ground.

Mayor Minnet was concerned as to whether the Commission was passing the right version. Interim Town Manager Hoffmann was not sure that it was worded the way it was intended. Mayor Minnet believed the Ordinance needed to go back for clarification.

Commissioner Sasser believed the large sprinkler system boxes should be covered.

Vice Mayor Dodd made a motion to defer Ordinance 2010-12 for second reading to the September 14, 2010 Commission meeting. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- d. Ordinance 2009-35: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE Approved 1st reading on January 12, 2010

Attorney Trevarthen read Ordinance 2009-35 by title.

Director Bowman stated that this Ordinance was the second version that was requested by the Commission to include only corner lots instead of all lots.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd asked whether a person on a corner lot that wanted to put in a pool would still need to obtain a variance. Director Bowman said they would not; this Ordinance fixed that.

Commissioner Sasser made a motion to adopt Ordinance 2009-35 (version 2 corner lots only) on second reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

11. RESOLUTION - "Public Comments"

- a. Resolution 2010-20: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING COMPREHENSIVE PLAN AMENDMENTS

Attorney Trevarthen read Resolution 2010-20 by title. She explained that the Town Code and Florida Statute required the Notice of Intent process.

Mayor Minnet opened the meeting for public comments.

Diane Boutin asked whether this was only an administrative format and had no impact on current construction. Attorney Trevarthen explained that amendments to the Comprehensive Plan needed approval by the State and had a lengthy process. She added that the drafting of the changes were complete, the Planning and Zoning Board reviewed them and recommended approval, and at this stage staff was in the process of taking care of the Notice of Intent which put developers on notice that changes were pending and would hold them to the changes should developers come in during that process. Attorney Trevarthen further explained that, later, the Commission would need to vote as to whether the changes should go forward and at that time the amendments would go to the State Department of Community Affairs and other Regional Agencies. She added that it did not become effective until several months later.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the minutes.

Vice Mayor Dodd made a motion to adopt Resolution 2010-20. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- b. Resolution 2010-24: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING FIRE RESCUE SAFETY SERVICE FEES BY ADDING A FEE CATEGORY FOR INSPECTION OF EXISTING STRUCTURES OF LESS THAN 800 SQUARE FEET; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-24 by title.

Director Bowman stated that at the April 28, 2010 Roundtable the Commission favored a revision to include an inspection fee category for structures less than 800 feet reducing the required annual fee from \$144 to \$75.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd made a motion to adopt Resolution 2010-24. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

- c. Resolution 2010-22: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADJUSTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR CONSTANCE HOFFMANN AS INTERIM TOWN MANAGER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-22 by title. She explained that Interim Town Manager Hoffmann did not intend to take FRS (Florida Retirement System) benefits, however the State required that the Town Manager participate in the Florida Retirement System. Acting Finance Director Haag confirmed that he contacted the State and they did require it.

Mayor Minnet asked whether the plans could be changed with the State. Acting Finance Director Haag said it was an act of legislature.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Clotley made a motion to adopt Resolution 2010-22. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

12. QUASI JUDICIAL PUBLIC HEARINGS

13. COMMISSIONER COMMENTS

Commissioner Clotley appreciated the opportunity to attend the Florida League of Cities Conference as she picked up much useful information that she would share at a future date. She thanked the following people for their private donations to the reef project: Mr. Bob Roberts, \$6,000; Aruba Cafe, \$500; Arlene Damurjian, \$300; Mr. Evans, \$1,000; Edgemar Condominiums, \$1,000; Marilyn and Tom Carr, \$100; Marjorie Evans, \$100; Connie Hoffmann, \$100; Commissioner Clotley, \$100. Commissioner Clotley said she did not have all the other donor names, such as Diane Boutin, who donated directly to the Organization. She invited anyone who wanted to donate to contact her for information on how to make their donation.

Mayor Minnet announced that the bocce court was up and running and thanked staff. She added that the TRIM notices were mailed by the Broward County Property Appraiser and explained that there are other entities on them and not just Lauderdale-By-The-Sea, such as the School Board, the North Broward Hospital District, the Hillsboro Inlet and the fire assessment fee. Mayor Minnet explained further that only a portion of the amount on the bill was the Town's. She thanked the businesses for their part in the community.

Commissioner Sasser was happy they had this meeting in August. He said the Halloween event was going forward smoothly and thanked everyone for their participation. Commissioner Sasser said the Chamber negotiations were presented to the Commission at the Workshop earlier in the evening. He said he received the data from Choice Environmental that would come forward at the next meeting. He urged everyone to voice their opinions.

Commissioner Vincent said he attended the Florida League of Cities Conference which he found informative and rewarding. He said the most common concern was how to maintain the current level of service to the community with the revenue shortfalls everyone faced without increasing taxes. Commissioner Vincent said that during his budget review with staff he questioned the substantial difference between the 2 previous years, FY08 and FY09 Special Event budget. He said Interim Town Manager Hoffmann later explained that the actual expenditures in FY09 were approximately \$47,000 verses the budgeted amount of \$141,000, an overage of approximately \$93,000. He thanked Interim Town Manager Hoffmann and Interim Assistant Town Manager Bentley for their hard work and dedication in working with the Commission. Commissioner Vincent recognized all the volunteers in the community and specifically pointed out that Mark Brown, Editor of By-The-Sea Future won an award from the International Society of Weekly Newspapers for 1 of 12 best editorials written in the United States among non-daily newspapers. He said Mr. Brown also received a third place award from the National Newspaper Association for investigative reporting and a forth award from the reporting newspaper.

Vice Mayor Dodd said he attended the Florida League of Cities Conference and found it very informative. He said he was waiting for a reply from Florida League of Cities regarding FP&L fees for LED street lighting. Vice Mayor Dodd added that FP&L wanted to be considered "green" but they did not offer any incentives to install a "green" lighting fixture. He said another topic he brought back from the Florida League of Cities was a recycling ordinance from Madera Beach. Vice Mayor Dodd said he would bring it to next roundtable. Vice Mayor Dodd stated that the Hillsboro Inlet took over their 2 new work boats and would be put into service immediately. He apologized to staff for the extra work load in regards to the August meeting and believed the Commission should aggressively work toward 1 Regular meeting and 1 Roundtable meeting per month and consider only 1 meeting in December.

14. OLD BUSINESS

- a. Request for Qualifications for search firm for Town Manager (Town Attorney Susan Trevarthen)

Mayor Minnet requested Interim Town Manager Hoffmann and Interim Assistant Town Manager Bud Bentley to leave the room as they were applicants for the Town Manager position.

Commissioner Sasser wanted to poll the Commission for their top candidate to avoid going through all the applications.

Commissioner Clotley said there were a large number of highly qualified candidates. She believed the Commission was satisfied with Interim Town Manager Hoffmann. Commissioner Clotley believed that since Interim Town Manager Hoffmann submitted her application it would save the Town money if the Commission agreed to one particular candidate.

Vice Mayor Dodd said he had reviewed the applications. He noted that Interim Town Manager Hoffmann was a win win for the Town and suggested that the Town Attorney and the Commission draw up a reasonable agreement for Ms. Hoffmann.

Commissioner Vincent said he also reviewed the applications and was impressed with many of them. He believed the Commission had the best with Ms. Hoffmann and Mr. Bentley. Commissioner Vincent agreed that it would be prudent to save the Town time and money since they already had the best.

Mayor Minnet concurred with the Commission. She said the time for consistency began with this Commission and would now move on with their Town Manager to take the Town to the next level. Mayor Minnet believed it was the consensus of the Commission to enter into negotiations with the Interim Town Manager to become the official Town Manager.

Vice Mayor Dodd made a motion to appoint Mayor Minnet as the Commission liaison to work with Attorney Trevarthen to negotiate a contract with Ms. Hoffmann and bring it back to the Commission for approval. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

Commissioner Sasser suggested that if the terms could not be met, the Commission should hold on to their top choices. Commissioner Clotley asked that Mayor Minnet keep in mind the pitfalls of the last contract when negotiating. Mayor Minnet said she would make sure that future Commissions were not held hostage by the contract. Commissioner Vincent stated that many people expressed their feelings toward the Interim Town Manager publicly and much of it was the same as the Commission's. Mayor Minnet thanked Interim Town Manager Hoffmann for everything she had done over the past few months to pull the Town together. She advised that the Commission voted to accept Connie Hoffmann's resume and that she and the Town Attorney would negotiate a contract with Interim Town Manager Hoffmann.

Interim Town Manager Hoffmann thanked the Commission and stated that it was the Commission that made her decision as it was a pleasure working with them and the positive attitude of the residents. She also thanked Interim Assistant Town Manager

Bentley and hoped he would remain with the Town.

Mayor Minnet informed Attorney Trevarthen that there was no longer a need for the RFP for a search firm for the Town Manager Position.

15. NEW BUSINESS

a. Public Hearing and Town Commission approval of processing Proposed Regulatory Changes (Development Services Director Jeff Bowman)

Director Bowman advised that staff recommended approval. He said that if approved, it would go before the Planning and Zoning Board on September 15, 2010.

Commissioner Clotley motioned that this item be deferred to the end of September or the first meeting in October to focus on the budget and give out-of-towners time to return to review the changes and voice their opinion.

Director Bowman said that the applicant looking to open a pet grooming business would not be able to open the business until the proposed regulatory changes passed.

Attorney Trevarthen stated that the item would not come before the Commission until October 12, 2010 for the first reading and November 9, 2010 for the 2nd reading.

Commissioner Clotley withdrew her motion.

Commissioner Vincent believed it was important for the Town to encourage business and therefore, this needed to move forward. Commissioner Sasser wanted to look at other solutions in order to avoid a variety of businesses from coming before the Commission. Attorney Trevarthen said that Director Bowman was currently working on that.

Vice Mayor Dodd asked whether it could be done by Resolution rather than an Ordinance in order to fine tune. Attorney Trevarthen stated that the law required an ordinance when a Land Development Regulation code change was needed.

Mayor Minnet opened the meeting for public comment.

Diane Boutin said she supported it.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd made a motion to approve the processing of the proposed regulatory changes. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. Expenditure of \$22,039.25 LETF funds for an ATV and other equipment (Chief Oscar Llerena)

Chief Llerena requested Town Commission approval.

Vice Mayor Dodd believed this was 100% in accordance with the rules and regulations of the Law Enforcement Trust Fund. He asked how much would remain in the fund and whether the amount would be enough to improve the quality of the cameras. Chief Llerena did not have the exact figures but looked to return \$75,000 and other monies to the Town that was taken out. He believed the balance was over \$100,000. Interim Town Manager Hoffmann said she would return to the Commission with a report. Mayor Minnet recalled the balance was approximately \$240,000.

Commissioner Vincent acknowledged that the justification was there and stated that he was in favor.

Commissioner Sasser asked whether anything was out there to include improvement of the cameras. Chief Llerena said the plan was to add cameras to the downtown area. He said he could engage in discussion with BSO legal affairs and report back to the Commission.

Vice Mayor Dodd made a motion to approve. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

c. Schedule for a Roundtable meeting in September (Town Clerk June White)

The Commission scheduled a Roundtable meeting for September 20, 2010 at 5:00 p.m.

d. Appointment of a member of the Town Commission to negotiate a new contract with the Town Attorney (Mayor Roseann Minnet)

Mayor Minnet said staff was currently looking at the budget and the Town Attorney currently worked on an hourly basis. She believed that a contract would provide an opportunity to control some of the costs that occur with the Town Attorney. Mayor Minnet believed that Attorney Trevarthen had done an incredible job.

Commissioner Clotey recalled that they were saving money paying the current Town Attorney hourly compared to the previous Town Attorney. Vice Mayor Dodd believed the rates between the two were very different. Mayor Minnet suggested Interim Town Manager Hoffmann discuss it with the Town Attorney. Her concern was to control some of the legal costs.

Interim Town Manager Hoffmann stated that research with other Towns provided options. Attorney Trevarthen said she had provided some information to Interim Town Manager Hoffmann and explained that, with the prior Town Attorney, a portion was fixed and a portion was hourly.

16. TOWN MANAGER REPORT

Interim Town Manager Hoffmann gave an update regarding the Reef Project. She said that Dr. Goreau advised that they were going with a new buoy design that was smaller and less expensive. Interim Town Manager Hoffmann added that Dr. Goreau believed that with the funds they raised they may be able to complete the 3 buoys without additional funding from the Town. She said she had told Dr. Goreau that the Commission would still want to amend the contract to clarify the general and financial responsibilities.

Commissioner Sasser said he was disappointed that a formal notice of breach was not sent and believed it needed to be done. He was concerned that the first buoy needed to be put in place to determine whether the buoys worked. Commissioner Sasser wanted the contract to contain terms and conditions, obligations and measures of success.

Vice Mayor Dodd agreed that they needed to know whether the buoy worked and questioned why they had not started with the rebar. He also agreed that they needed to renegotiate the contract, find out if the first buoy worked and if it did not work, a whole new set of issues would come forward such as who would be responsible to pay for it.

Commissioner Vincent believed that Dr. Goreau stated it would not be cost effective to have the company come out for installation of each unit when they could make one trip and install everything.

Commissioner Clotey said they wanted to have everything ready to do it all at one time as it would cost more to have them come back again. She did not believe there was any problem putting the buoy in the water to see if it would float.

Interim Town Manager Hoffmann agreed that Dr. Goreau said there would be additional costs involved to have just 1 buoy installed rather than 2. She added that they did not intend to use the first buoy as the operating buoy; it was to be the backup buoy. Interim Town Manager Hoffmann believed that under the terms of agreement the Town had to give 30 days notice of the installation to the Army Corp of Engineers so they could do their inspections. She did not think it would cost additional money to see if the buoys float.

Vice Mayor Dodd believed there were too many excuses as the anchor points could be put in place. He added that even if the buoy was a reserve buoy, it still had to work.

Mayor Minnet said there needed to be clarification on the project and on the contract. Interim Town Manager Hoffmann suggested that Vice Mayor Dodd talk with Dr. Goreau since he was marine knowledgeable. Vice Mayor Dodd said he had no problem doing that.

Attorney Trevarthen said that she and Interim Town Manager Hoffmann developed a list of issues that were incorporated into a draft agreement. Interim Town Manager Hoffmann asked whether the Commission wanted to review the draft agreement before it went to Dr. Goreau. The Commission did not. Interim Town Manager Hoffmann

asked whether the Commission wanted a letter sent to Dr. Goreau that stated that he was in breach of contract.

Commissioner Vincent recalled that the contract was too vague to determine who was in breach of the contract. Attorney Trevarthen said that one part of the agreement was determined to be in breach; failing to deliver the third buoy. Mayor Minnet suggested that before a breach letter was sent, discuss whether Dr. Goreau would be in agreement to changes in the contract. Commissioner Sasser did not agree.

Commissioner Clotley asked whether a deadline was required prior to saying someone was in breach of a contract.

Attorney Trevarthen explained that this contract was 3 or 4 years old and 2 time frames were within it. She believed that at the Workshop in July, it was determined that some of those time frames had not been met and that may be the basis for a breach letter. Commissioner Clotley suggested an additional deadline prior to sending a letter. Attorney Trevarthen said she would take direction from the Commission.

Vice Mayor Dodd did not think it was out of order to put the words "breach of contract" within the letter. Commissioner Vincent did not think it was appropriate at this time to use the language "breach". He added that Interim Town Manager Hoffmann believed that things were moving forward smoothly. Commissioner Sasser wanted to be sure a clear and clean message was sent that they were in breach of the current contract and the Town wanted to pursue a new one. He explained that he did not want to amend the current agreement; he wanted a new one.

Commissioner Vincent said there were no time sensitive dates in the current contract and asked whether they were in breach of time. Commissioner Clotley was concerned that the project would stop if attorneys were involved. She asked that a deadline be presented instead. Attorney Trevarthen said there were 2 time sensitive issues; one was in connection with the permits and the other in the initiation of the entire project. She asked for clarity as to what the Commission wanted her to do.

Commissioner Sasser made a motion to approve sending a letter stating that Global Coral Reef Alliance was in breach of contract and to express the Town's desire to enter into a new agreement. Vice Mayor Dodd seconded the motion. The motion carried 3 - 2. Commissioner Vincent voted no. Commissioner Clotley voted no.

Mayor Minnet noted that the Commission discussed the Community Theater during the Workshop under the Recreation Budget earlier in the evening and asked for a motion at this time.

Vice Mayor Dodd made a motion to approve to enter into an agreement with the Lauderdale-By-The-Sea Community Performing Arts Theater and Mr. Ragusa for \$1,000. Commissioner Vincent seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

17. TOWN ATTORNEY REPORT

There were no reports.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:10 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

9-16-10

Date

